

[NOT YET SCHEDULED FOR ORAL ARGUMENT]

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

People for the Ethical Treatment of
Animals, et al.

Plaintiff-Appellants,

v.

Lawrence Tabak, et al.,

Defendant-Appellees.

No. 23-5110

**CONSENT MOTION FOR 30-DAY EXTENSION OF TIME TO FILE
APPELLEE BRIEF**

Pursuant to Federal Rule of Appellate Procedure 26(b) and D.C. Circuit Rule 28(e), the government respectfully moves for a 30-day extension of time, to and including Tuesday, November 9, 2023, in which to file its Appellee Brief. Plaintiff-Appellants consent to this motion, on the condition that the government agrees to extend the deadline for Appellants' Reply Brief until December 13, 2023 in order to accommodate

the Thanksgiving holiday. The government has no objection to that adjustment to the schedule.

1. Under this Court's order of July 27, 2023, the government's Appellee Brief is currently due by October 10, 2023. The government respectfully requests that this deadline be extended by thirty days, to and including November 9, 2023. The government has not previously requested an extension of this deadline.

2. The requested 30-day extension of time is necessary to allow sufficient time to prepare a response brief in light of other pressing appellate matters for which government counsel is responsible.

The attorney with primary responsibility for this matter is Jennifer Utrecht of the U.S. Department of Justice, Civil Division, Appellate Staff. In addition to preparing the government's response brief in this case, Ms. Utrecht is responsible for the preparation of the government's brief and presentation of oral argument in the expedited matter of *Career Colleges and Schools of Texas v. United States Department of Education, et al.*, No. 23-50491 (5th Cir.) (response brief due October 5, 2023 and oral argument on

November 6, 2023), as well as presenting oral argument in *Soto v. United States*, No. 22-2011 (Fed. Cir.) (oral argument scheduled October 4, 2023).

The attorney with supervisory responsibility for this appeal is Daniel Tenny of the U.S. Department of Justice, Civil Division, Appellate Staff. Among other matters, Mr. Tenny has supervisory responsibility for several matters with impending deadlines, including *Heritage Foundation v. EPA*, No. 23-5086 (D.C. Cir.) (response brief due September 29, 2023); *League of Women Voters, et al. v. Newby, et al.*, No. 23-5058 (response brief due October 2, 2023); *Hart v. META Platforms Inc. fka Facebook Inc., et al.*, No. 23-15858 (9th Cir.) (response brief due October 6, 2023); *Medical Imaging & Technology Alliance v. Library of Congress*, No. 23-5067 (D.C. Cir.) (oral argument Oct. 5, 2023); and *Insider Inc. v. GSA*, No. 22-5330 (D.C. Cir.) (oral argument Oct. 6, 2023).

3. Counsel for the Appellants has consented to this requested thirty-day extension, on the condition that the government agrees to extend the deadline for Appellants' reply brief until December 13, 2023 in order to

accommodate the Thanksgiving holiday. The government agrees to that proposal.

Respectfully submitted,

DANIEL TENNY

/s/ Jennifer L. Utrecht

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SEPTEMBER 2023

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2023, I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system. I further certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Jennifer L. Utrecht
Jennifer L. Utrecht

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing complies with the type-volume limitation of Fed. R. App. 27(d)(2) because it contains 428 words, according to the count of Microsoft Word.

/s/ Jennifer L. Utrecht
Jennifer L. Utrecht